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Dkt. 55669-Z/JPW/PJP/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cy A. Stein

Serial No.: 09/832,648 Examiner: J. Epps-Ford

Filed : April 11, 2001 Group Art Unit: 1635

For : OLIGONUCLEOTIDE INHIBITORS OF bcl-xL

1185 Avenue of the Americas  
New York, New York 10036  
May 20, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

SECOND SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants direct the Examiner's attention to the following references which are listed on the attached Form PTO-1449 (**Exhibit A**). Items 1-2 and 4-7 and attached hereto as **Exhibits 1-6**. Item 3 is a U.S. Patent, accordingly no copy is attached hereto.

- 1) Supplementary European Search Report issued March 1, 2005 in connection with European Application No. 99933713.2; (**Exhibit 1**)
- 2) Amarente-Mendes, G.P. et al. (1998), "Bcl-2 Independent BCR-ABL-mediated Resistance to Apoptosis: Protection is Correlated with Up-Regulation of Bcl-XL" *Oncogene*, 16:1383-1390; (**Exhibit 2**)
- 3) U.S. Patent No 5,583,034, Green et al., issued December 10,

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Serial No.: 10/160,344  
Filed : May 31, 2002  
Page 2

1996;

- 4) Leech G.H. et al. (1998), "Antisense Oligodeoxynucleotides Designed to Downregulate the Expression of Bcl-XL and of Bcl-XL and Bcl-2 Simultaneously, Restore Apoptotic Response of Lung Cancer Cell Lines" *Proc. Ann. Meet. Am. Assoc. Canc. Res.* NY, 39:417; (Exhibit 3)
- 5) Luedke G.H. et al. (1997), "Antisense Oligonucleotides Targeting Sequences Shared by the Bcl-2 and the Bcl-XL mRNA Efficiently Downregulate Expression of both Proteins and induce Apoptosis of Lung Cancer Cell Lines" *Proc. Ann. Meet. Am. Assoc. Canc. Res.* NY, 38:A1140; (Exhibit 4)
- 6) Crooke S.T. (1998), "Basic principles of Antisense Therapeutics" *Antisense research and Applications*, CRC Press, pages 1-50; (Exhibit 5)
- 7) WO 95/08350 A, Reed J., published March 30, 1995. (Exhibit 6)

This Second Supplemental Information Disclosure Statement supplements the Information Disclosure Statements filed by applicant on June 16, 2004 and January 7, 2002 in connection with the above-identified application.

This Supplementary Information Disclosure Statement is submitted under 37 C.F.R. §1.97(c). Accordingly a check for ONE HUNDRED EIGHTY DOLLARS (\$180.00) is enclosed. Applicants note that references 1-7 were first cited in a Supplementary European Search Report issued March 1, 2005 in connection with related European Patent Application No. 99933713.2. Applicants further note that

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U.S. Patent No, 5,776,905, Gibbons et al.; Pollman et al.; and Luedke G.H. et al. AACR, Vol. 38, p170 (1997) cited in the Supplementary European Search Report have previously been submitted in an Information Disclosure Statement in connection with the above-identified application.

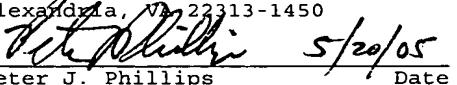
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee, other than the enclosed \$180.00 fee for an Information Disclosure Statement, is deemed necessary in connection with the filing of this Second Supplementary Information Disclosure Statement. However, if any such fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Peter J. Phillips  
Registration No. 29,691  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  
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Peter J. Phillips Date  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

**(Use as many sheets as necessary)**

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of 2

**Complete if Known**

Application Number	09/832,648
Filing Date	April 11, 2001
First Named Inventor	Cy A. Stein et al.
Art Unit	1635
Examiner Name	J. Epps-Ford
Allied Doc. No.	057515560-7

U. S. PATENT DOCUMENTS

## **FOREIGN PATENT DOCUMENTS**

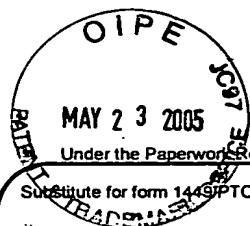
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. Serial No.: 09/832,648  
Filed: May 31, 2002  
Exhibit A



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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of 2 Attorney Docket Number 0575/55669-Z

### Complete if Known

Application Number	09/832,648
Filing Date	April 11, 2001
First Named Inventor	Cy A. Stein
Art Unit	1635
Examiner Name	J. Epps-Ford

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	1	Supplementary European Search Report issued March 1, 2005 in connection with European Application No. 99933713.2	
	2	Amarente-Mendes, G.P. et al. (1998), "Bcl-2 Independent BCR-ABL-mediated Resistance to Apoptosis: Protection is Correlated with Up-Regulation of Bcl-XL" Oncogene, 16:1383-1390	
	4	Leech G.H. et al. (1998), "Antisense Oligodeoxynucleotides Designed to Downregulate the Expression of Bcl-XL and of Bcl-XL." Proc. Ann. Meet. Am. Assoc. Canc. Res. NY, 39:417	
	5	Luedke G.H. et al. (1997), "Antisense Oligonucleotides Targeting Sequences Shared by the Bcl-2 and the Bcl-XL mRNA..." Proc. Ann. Meet. Am. Assoc. Canc. Res. NY, 38:A1140	
	6	Crooke S.T. (1998), "Basic principles of Antisense Therapeutics" Antisense research and Applications, CRC Press, pages 1-50	
	7	WO 95/08350 A, Reed J., published March 30, 1995	

Examiner Signature	Date Considered
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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